

107TH CONGRESS  
1ST SESSION

# H. R. 3609

To amend title 49, United States Code, to enhance the security and safety of pipelines.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 20, 2001

Mr. YOUNG of Alaska (for himself, Mr. TAUZIN, Mr. PETRI, Mr. BARTON of Texas, Mr. SANDLIN, Mr. CARSON of Oklahoma, and Mr. HALL of Texas) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the Committee concerned

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## A BILL

To amend title 49, United States Code, to enhance the security and safety of pipelines.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; AMENDMENT OF TITLE 49,**  
4 **UNITED STATES CODE; TABLE OF CONTENTS.**

5 (a) SHORT TITLE.—This Act may be cited as the  
6 “Pipeline Infrastructure Protection To Enhance Security  
7 and Safety Act”.

1 (b) AMENDMENT OF TITLE 49, UNITED STATES  
 2 CODE.—Except as otherwise expressly provided, whenever  
 3 in this Act an amendment or repeal is expressed in terms  
 4 of an amendment to, or a repeal of, a section or other  
 5 provision, the reference shall be considered to be made to  
 6 a section or other provision of title 49, United States  
 7 Code.

8 (c) TABLE OF CONTENTS.—

- Sec. 1. Short title; amendment of title 49, United States Code; table of contents.
- Sec. 2. One-call notification programs.
- Sec. 3. One-call notification of pipeline operators.
- Sec. 4. Public education programs.
- Sec. 5. Safety orders and security recommendations.
- Sec. 6. Penalties.
- Sec. 7. Risk management.
- Sec. 8. Population encroachment.
- Sec. 9. Pipeline integrity research, development, and demonstration.
- Sec. 10. Certification of pipeline controller qualification programs.
- Sec. 11. Security of pipeline facilities.
- Sec. 12. National pipeline mapping system.
- Sec. 13. Coordination of environmental reviews.
- Sec. 14. Pipeline security-sensitive information.
- Sec. 15. Technical amendments.
- Sec. 16. Authorization of appropriations.

9 **SEC. 2. ONE-CALL NOTIFICATION PROGRAMS.**

10 (a) MINIMUM STANDARDS.—Section 6103 is  
 11 amended—

12 (1) in subsection (a)—

13 (A) in paragraph (1) by inserting “, in-  
 14 cluding all government operators” before the  
 15 semicolon at the end; and

1 (B) in paragraph (2) by inserting “, in-  
2 cluding all government and contract exca-  
3 vators” before the semicolon at the end; and  
4 (2) in subsection (c) by striking “provide for”  
5 and inserting “provide for and document”.

6 (b) COMPLIANCE WITH MINIMUM STANDARDS.—Sec-  
7 tion 6104(d) is amended by striking “Within 3 years after  
8 the date of the enactment of this chapter, the Secretary  
9 shall begin to” and inserting “The Secretary shall”.

10 (c) IMPLEMENTATION OF BEST PRACTICES GUIDE-  
11 LINES.—

12 (1) IN GENERAL.—Section 6105 is amended to  
13 read as follows:

14 **“§ 6105. Implementation of best practices guidelines**

15 “(a) ADOPTION OF BEST PRACTICES.—The Sec-  
16 retary of Transportation shall encourage States, operators  
17 of one-call notification programs, excavators (including all  
18 government and contract excavators), and underground  
19 facility operators to adopt and implement practices identi-  
20 fied in the best practices report entitled ‘Common  
21 Ground’, as periodically updated.

22 “(b) TECHNICAL ASSISTANCE.—The Secretary shall  
23 provide technical assistance to and participate in pro-  
24 grams sponsored by a non-profit organization specifically

1 established for the purpose of reducing construction-re-  
 2 lated damage to underground facilities.

3 “(c) GRANTS.—

4 “(1) IN GENERAL.—The Secretary may make  
 5 grants to a non-profit organization described in sub-  
 6 section (b).

7 “(2) AUTHORIZATION OF APPROPRIATIONS.—In  
 8 addition to amounts authorized under section 6107,  
 9 there is authorized to be appropriated for making  
 10 grants under this subsection \$500,000 for each of  
 11 fiscal years 2002 through 2005. Such sums shall re-  
 12 main available until expended.

13 “(3) GENERAL REVENUE FUNDING.—Any sums  
 14 appropriated under this subsection shall be derived  
 15 from general revenues and may not be derived from  
 16 amounts collected under section 60301.”.

17 (2) CONFORMING AMENDMENT.—The analysis  
 18 for chapter 61 is amended by striking the item relat-  
 19 ing to section 6105 and inserting the following:

“6105. Implementation of best practices guidelines.”.

20 (d) AUTHORIZATION OF APPROPRIATIONS.—

21 (1) FOR GRANTS FOR STATES.—Section  
 22 6107(a) is amended by striking “\$1,000,000 for fis-  
 23 cal year 2000” and all that follows before the period  
 24 at the end of the first sentence and inserting

1 “\$1,000,000 for each of fiscal years 2002 through  
2 2005”.

3 (2) FOR ADMINISTRATION.—Section 6107(b) is  
4 amended by striking “for fiscal years 1999, 2000,  
5 and 2001” and inserting “for fiscal years 2002  
6 through 2005”.

7 **SEC. 3. ONE-CALL NOTIFICATION OF PIPELINE OPERA-**  
8 **TORS.**

9 (a) LIMITATION ON PREEMPTION.—Section 60104(c)  
10 is amended by adding at the end the following: “Notwith-  
11 standing the preceding sentence, a State authority may  
12 enforce a requirement of a one-call notification program  
13 of the State if the program meets the requirements for  
14 one-call notification programs under this chapter or chap-  
15 ter 61.”.

16 (b) MINIMUM REQUIREMENTS.—Section 60114(a)(2)  
17 is amended by inserting “, including a government em-  
18 ployee or contractor,” after “person”.

19 (c) CRIMINAL PENALTIES.—Section 60123(d) is  
20 amended—

21 (1) in the matter preceding paragraph (1) by  
22 striking “knowingly and willfully”;

23 (2) in paragraph (1) by inserting “knowingly  
24 and willfully” before “engages”; and

1 (3) by striking paragraph (2)(B) and inserting  
 2 the following:

3 “(B) a pipeline facility, and knows or has  
 4 reason to know of the damage, but does not re-  
 5 port the damage promptly to the operator of  
 6 the pipeline facility and to other appropriate  
 7 authorities; or”.

8 **SEC. 4. PUBLIC EDUCATION PROGRAMS.**

9 (a) SECURITY AND SAFETY STANDARDS.—Section  
 10 60102(b) is amended—

11 (1) in the subsection heading by striking  
 12 “PRACTICABILITY AND SAFETY NEEDS STAND-  
 13 ARDS” and inserting “SECURITY AND SAFETY  
 14 STANDARDS”;

15 (2) in paragraph (1)(B)(i)—

16 (A) by striking “safety” and inserting  
 17 “safety and security”;

18 (B) by striking “safely” and inserting  
 19 “safely and securely”;

20 (3) in paragraph (2)(A)—

21 (A) by striking “and” at the end of clause  
 22 (ii);

23 (B) by adding “and” at the end of clause  
 24 (iii); and

25 (C) by adding at the end the following:

1 “(iv) security information;”;

2 (4) in paragraph (2)—

3 (A) by striking “and” at the end of sub-  
4 paragraph (F);

5 (B) by striking the period at the end of  
6 subparagraph (G) and inserting “; and”; and

7 (C) by adding at the end the following:

8 “(H) the comments and recommendations of  
9 the Office of Homeland Security and the Transpor-  
10 tation Security Administration.”; and

11 (5) in paragraph (3)—

12 (A) by striking “and” at the end of sub-  
13 paragraph (C);

14 (B) by striking the period at the end of  
15 subparagraph (D) and inserting “; and”; and

16 (C) by adding at the end the following:

17 “(E) assess the vulnerabilities of pipeline  
18 facilities to terrorist attacks.”.

19 (b) PUBLIC SAFETY PROGRAM REQUIREMENTS.—

20 Section 60102(c) is amended to read as follows:

21 “(c) PUBLIC SAFETY PROGRAM REQUIREMENTS.—

22 “(1) IN GENERAL.—The Secretary shall include  
23 in the standards prescribed under subsection (a) a  
24 requirement that the operator of a pipeline facility  
25 participate in a public safety program that—

1           “(A) notifies an operator of proposed dem-  
2           olition, excavation, tunneling, or construction  
3           near or affecting the facility;

4           “(B) requires an operator to identify a  
5           pipeline facility that may be affected by the  
6           proposed demolition, excavation, tunneling, or  
7           construction, to prevent damaging the facility;  
8           and

9           “(C) the Secretary decides will protect a  
10          facility adequately against a hazard caused by  
11          demolition, excavation, tunneling, or construc-  
12          tion.

13          “(2) COMPARABLE SERVICES.—To the extent a  
14          public safety program referred to in paragraph (1)  
15          is not available, the Secretary shall prescribe stand-  
16          ards requiring an operator to take action to provide  
17          services comparable to services that would be avail-  
18          able under a public safety program.

19          “(3) PROMOTING PUBLIC SAFETY.—

20                 “(A) PROVISION OF MAP TO MUNICIPALI-  
21                 TIES.—The operator of a hazardous liquid or  
22                 interstate gas pipeline facility shall provide on  
23                 an annual basis to the governing body of each  
24                 municipality in which the facility is located, a  
25                 map identifying the location of the facility.



1           “(B) SURVEY.—The Secretary shall peri-  
2           odically survey and assess the public education  
3           programs under section 60116 and the public  
4           safety programs under this subsection and de-  
5           termine their effectiveness and applicability as  
6           components of a model program. In particular,  
7           the survey shall include—

8                   “(i) the methods by which operators  
9                   notify residents of the location of the facil-  
10                  ity and its right of way;

11                  “(ii) public information regarding ex-  
12                  isting One-Call programs; and

13                  “(iii) appropriate procedures to be fol-  
14                  lowed by residents of affected municipali-  
15                  ties in the event of accidents involving  
16                  interstate pipeline facilities.

17           “(C) RULEMAKING.—The Secretary shall  
18           institute a rulemaking to determine the most  
19           effective public safety and education program  
20           components and promulgate standards imple-  
21           menting those components on a nationwide  
22           basis. Such standards shall establish appro-  
23           priate limitations on access to maps provided  
24           under subparagraph (A) based on the need for  
25           security of the information.

1                   “(D) TECHNICAL ASSISTANCE.—The Sec-  
 2                   retary may provide technical assistance to State  
 3                   and local officials in applying practices devel-  
 4                   oped as part of the programs required under  
 5                   this subsection and section 60116 to their ac-  
 6                   tivities to educate and promote pipeline safety  
 7                   with the public.”.

8 **SEC. 5. SAFETY ORDERS AND SECURITY RECOMMENDA-**  
 9 **TIONS.**

10           Section 60117 is amended by adding at the end the  
 11 following:

12           “(l) SAFETY ORDERS.—If the Secretary decides that  
 13 a pipeline facility has a potentially unsafe condition, the  
 14 Secretary may order the operator of the facility to take  
 15 necessary corrective action, including physical inspection,  
 16 testing, repair, replacement, or other appropriate action  
 17 to remedy the unsafe condition.

18           “(m) SECURITY RECOMMENDATIONS.—If the Sec-  
 19 retary decides that a pipeline facility has a vulnerability  
 20 to terrorist attacks, the Secretary may recommend that  
 21 the operator of the facility take necessary actions to elimi-  
 22 nate or reduce the vulnerability.”.

23 **SEC. 6. PENALTIES.**

24           (a) CIVIL PENALTIES.—Section 60122(a)(1) is  
 25 amended—

1 (1) by striking “\$25,000” and inserting  
2 “\$50,000”; and

3 (2) by striking “\$500,000” and inserting  
4 “\$750,000”.

5 (b) CRIMINAL PENALTIES.—Section 60123(b) is  
6 amended by inserting “as an act of terrorism or for any  
7 other purpose” before “shall be fined”.

8 **SEC. 7. RISK MANAGEMENT.**

9 Section 60126 is amended—

10 (1) in the heading for subsection (a) by striking  
11 “DEMONSTRATION”;

12 (2) in subsection (e) by inserting “and periodi-  
13 cally thereafter,” after “March 1, 2000,”; and

14 (3) by striking “demonstration” each place it  
15 appears in the section.

16 **SEC. 8. POPULATION ENCROACHMENT.**

17 Section 60127 is amended to read as follows:

18 **“§ 60127. Population encroachment**

19 “(a) STUDY.—The Secretary of Transportation, in  
20 consultation with appropriate Federal agencies and State  
21 and local governments, shall undertake a study of land  
22 use practices and zoning ordinances with regard to pipe-  
23 line rights-of-way.

1       “(b) PURPOSE OF STUDY.—The purpose of the study  
2 shall be to gather information on land use practices and  
3 zoning ordinances—

4               “(1) to determine effective practices to limit en-  
5 croachment on existing pipeline rights-of-way;

6               “(2) to address and prevent the hazards and  
7 risks to the public and the environment associated  
8 with encroachment on pipeline rights-of-way; and

9               “(3) to raise the awareness of the risks and  
10 hazards of encroachment on pipeline rights-of-way.

11       “(c) CONSIDERATIONS.—In conducting the study, the  
12 Secretary shall consider, at a minimum, the following:

13               “(1) The legal authority of Federal agencies  
14 and State and local governments in controlling land  
15 use and the limitations on such authority.

16               “(2) The current practices of Federal agencies  
17 and State and local governments in addressing land  
18 use issues involving a pipeline easement.

19               “(3) The most effective way to encourage Fed-  
20 eral agencies and State and local governments to  
21 monitor and reduce encroachment upon pipeline  
22 rights-of-way.

23       “(d) REPORT.—

24               “(1) IN GENERAL.—Not later than 1 year after  
25 the date of enactment of this subsection, the Sec-

1       retary shall publish a report identifying practices,  
 2       laws, and ordinances that are most successful in ad-  
 3       dressing issues of encroachment on pipeline rights-  
 4       of-way so as to more effectively protect public safety  
 5       and the environment.

6               “(2) DISTRIBUTION OF REPORT.—The Sec-  
 7       retary shall provide a copy of the report to—

8                       “(A) Congress and appropriate Federal  
 9       agencies; and

10                      “(B) States for further distribution to ap-  
 11       propriate local authorities.

12               “(3) ADOPTION OF PRACTICES, LAWS, AND OR-  
 13       DINANCES.—The Secretary shall encourage Federal  
 14       agencies and State and local governments to adopt  
 15       and implement appropriate practices, laws, and ordi-  
 16       nances, as identified in the report, to address the  
 17       risks and hazards associated with encroachment  
 18       upon pipeline rights-of-way.”.

19   **SEC. 9. PIPELINE INTEGRITY RESEARCH, DEVELOPMENT,**  
 20               **AND DEMONSTRATION.**

21       (a) IN GENERAL.—Chapter 601 is amended by add-  
 22       ing at the end the following:

1 **“§ 60129. Pipeline integrity research, development,**  
2 **and demonstration**

3 “(a) ESTABLISHMENT OF COOPERATIVE PRO-  
4 GRAM.—

5 “(1) IN GENERAL.—The Secretary of Transpor-  
6 tation, in coordination with the Secretary of Energy,  
7 shall develop and implement a cooperative program  
8 of research, development, and demonstration to en-  
9 sure the integrity of pipeline facilities.

10 “(2) REQUIRED ELEMENTS.—The program  
11 shall include materials inspection techniques, risk as-  
12 sessment methodology, leak detection technologies,  
13 information systems surety, and other elements the  
14 Secretary of Transportation determines appropriate.

15 “(b) PROGRAM PLAN.—

16 “(1) IN GENERAL.—Not later than 1 year after  
17 the date of enactment of this section, the Secretary  
18 of Transportation, in coordination with the Sec-  
19 retary of Energy and the Pipeline Integrity Tech-  
20 nical Advisory Committee established under sub-  
21 section (c), shall prepare and transmit to Congress  
22 a 5-year program plan to guide activities under this  
23 section.

24 “(2) CONSULTATION.—In preparing the pro-  
25 gram plan, the Secretary of Transportation shall  
26 consult with appropriate representatives of the gas,

1 crude oil, and petroleum product pipeline industries  
2 to select and prioritize appropriate project proposals.

3 “(3) ADVICE FROM OTHER ENTITIES.—In pre-  
4 paring the program plan, the Secretary of Transpor-  
5 tation may also seek the advice of other Federal  
6 agencies, utilities, manufacturers, institutions of  
7 higher learning, pipeline research institutions, na-  
8 tional laboratories, State pipeline safety officials, en-  
9 vironmental organizations, pipeline safety advocates,  
10 and professional and technical societies.

11 “(4) IMPLEMENTATION.—The Secretary of  
12 Transportation shall have the primary responsibility  
13 for ensuring that the program plan is implemented  
14 in accordance with this section.

15 “(c) PIPELINE INTEGRITY TECHNICAL ADVISORY  
16 COMMITTEE.—

17 “(1) ESTABLISHMENT.—The Secretary of  
18 Transportation shall establish and manage a Pipe-  
19 line Integrity Technical Advisory Committee (in this  
20 subsection referred to as the ‘Advisory Committee’).

21 “(2) DUTIES.—The Advisory Committee  
22 shall—

23 “(A) advise the Secretary of Transpor-  
24 tation and the Secretary of Energy on the de-

1 development and implementation of the program  
2 plan prepared under subsection (b); and

3 “(B) have a continuing role in evaluating  
4 the progress and results of research, develop-  
5 ment, and demonstration activities carried out  
6 under this section.

7 “(3) MEMBERSHIP.—

8 “(A) APPOINTMENT.—The Advisory Com-  
9 mittee shall be composed of 7 members ap-  
10 pointed by the Secretary of Transportation, in  
11 consultation with the Secretary of Energy. In  
12 making such appointments, the Secretary of  
13 Transportation may seek recommendations  
14 from the National Academy of Sciences.

15 “(B) QUALIFICATIONS.—Members ap-  
16 pointed to the Advisory Committee shall have  
17 experience or be technically qualified, by train-  
18 ing or knowledge, in the operations of either the  
19 hazardous liquid or gas pipeline industries, and  
20 have experience in the research and develop-  
21 ment of pipeline or related technologies, to pro-  
22 vide technical assistance to the Advisory Com-  
23 mittee.



1           “(4) MEETINGS.—The Advisory Committee  
2       shall meet with the Secretary of Transportation at  
3       least 4 times each year.

4       “(d) REPORTS TO CONGRESS.—

5           “(1) ANNUAL REPORT.—Not later than 1 year  
6       after the date of enactment of this section, and an-  
7       nually thereafter, the Secretary of Transportation  
8       shall transmit to the Committee on Energy and  
9       Commerce and the Committee on Transportation  
10      and Infrastructure of the House of Representatives,  
11      and to the Committee on Energy and Natural Re-  
12      sources and the Committee on Commerce, Science,  
13      and Transportation of the Senate, a report on the  
14      status and results to date of the implementation of  
15      the program plan prepared under subsection (b).

16          “(2) CONTENTS.—The report shall include a  
17      description of the activities of the Departments of  
18      Transportation and Energy, national laboratories,  
19      universities, and other research organizations, in-  
20      cluding industry research organizations.”.

21      (b) CONFORMING AMENDMENT.—The analysis for  
22      such chapter is amended by adding at the end the fol-  
23      lowing:

“60129. Pipeline integrity research, development, and demonstration.”.

1 **SEC. 10. CERTIFICATION OF PIPELINE CONTROLLER QUAL-**  
2 **IFICATION PROGRAMS.**

3 (a) IN GENERAL.—Chapter 601 is further amended  
4 by adding at the end the following:

5 **“§ 60130. Certification of pipeline controller quali-**  
6 **fication programs**

7 “(a) IN GENERAL.—Subject to the requirements of  
8 this section, the Secretary of Transportation shall require  
9 the operator of a pipeline facility to develop and implement  
10 a safety program to ensure that the personnel of the oper-  
11 ator who control product flow operations of pipelines are  
12 qualified to conduct such operations.

13 “(b) STANDARDS AND CRITERIA.—

14 “(1) DEVELOPMENT.—Not later than 1 year  
15 after the date of enactment of this section, the Sec-  
16 retary shall issue uniform standards and criteria for  
17 safety programs referred to in subsection (a).

18 “(2) CONTENTS.—The uniform standards and  
19 criteria shall include the following:

20 “(A) The establishment of an industry  
21 standard on the qualifications of personnel who  
22 control product flow operations of pipelines.  
23 Such standard shall be based on a standard  
24 adopted by an appropriate national consensus  
25 standards organization.

1           “(B) A requirement that pipeline operators  
2           develop and implement written plans and proce-  
3           dures to train and evaluate the abilities of per-  
4           sonnel described in subparagraph (A) to meet  
5           the industry standard.

6           “(C) A requirement that the plans and  
7           procedures adopted by a pipeline operator  
8           under subparagraph (B) be certified under sub-  
9           section (d).

10       “(c) DEVELOPMENT OF TRAINING PROGRAMS BY  
11 PIPELINE OPERATORS.—Not later than 1 year after the  
12 date of issuance of uniform standards and criteria under  
13 subsection (b), the Secretary shall require a pipeline oper-  
14 ator to develop and begin implementation of a safety pro-  
15 gram that complies with the uniform standards and cri-  
16 teria.

17       “(d) IMPLEMENTATION OF CERTIFICATION PRO-  
18 GRAM.—

19           “(1) IN GENERAL.—The Secretary shall carry  
20       out a program to certify the safety program of each  
21       pipeline operator. Under the certification program,  
22       the safety program of a pipeline operator shall be  
23       certified if the operator’s program complies with the  
24       uniform standards and criteria developed under sub-  
25       section (b).

1           “(2) AGREEMENT.—The Secretary may enter  
2           into a cooperative agreement or contract with a pub-  
3           lic or private entity to conduct certification evalua-  
4           tions under the program.

5           “(3) DEADLINE FOR COMPLETION OF CERTIFI-  
6           CATIONS.—Certifications under the program shall be  
7           completed not later than 2 years after the date of  
8           issuance of uniform standards and criteria under  
9           subsection (b).

10          “(4) PROGRAM MODIFICATIONS.—If the oper-  
11          ator of a pipeline facility seeks to modify a training  
12          program that has been certified under this sub-  
13          section, the operator shall submit the modifications  
14          to the Secretary for approval.

15          “(5) PILOT PROGRAM.—In the 1-year period  
16          beginning on the date of issuance of uniform stand-  
17          ards and criteria under subsection (b), the Secretary  
18          may solicit pipeline facilities to voluntarily partici-  
19          pate in a pilot program to test the certification pro-  
20          gram.

21          “(e) REPORT.—Not later than 5 years after the date  
22          of enactment of this section, the Secretary shall transmit  
23          to Congress a report on the status and results to date of  
24          the implementation of the certification program under  
25          subsection (d).”.

1 (b) CONFORMING AMENDMENT.—The analysis for  
 2 chapter 601 is amended by adding at end the following:

“60130. Certification of pipeline controller qualification programs.”.

3 **SEC. 11. SECURITY OF PIPELINE FACILITIES.**

4 (a) IN GENERAL.—Chapter 601 is further amended  
 5 by adding at the end the following:

6 **“§ 60131. Security of pipeline facilities**

7 “(a) TERRORISM SECURITY PROGRAMS.—

8 “(1) IN GENERAL.—Subject to the require-  
 9 ments of this subsection, the Secretary of Transpor-  
 10 tation shall require the operator of a pipeline facility  
 11 to develop and implement a terrorism security pro-  
 12 gram.

13 “(2) CONTENTS OF PROGRAMS.—

14 “(A) IN GENERAL.—A terrorism security  
 15 program of a pipeline operator shall consist of  
 16 written procedures to follow and actions to take  
 17 in the event of a terrorist attack on a pipeline  
 18 facility or an attack on other infrastructure fa-  
 19 cilities in the United States. Such procedures  
 20 shall include procedures for communicating  
 21 with military, law enforcement, emergency serv-  
 22 ice, and other appropriate State and local gov-  
 23 ernment and non-government entities.

24 “(B) STANDARD.—A terrorism security  
 25 program of a pipeline operator shall require the

1 operator to establish and implement reasonable  
2 procedures to safeguard the pipeline facility and  
3 safely maintain its operations.

4 “(3) APPROVAL OF PROGRAMS.—Not later than  
5 1 year after the date of enactment of this section,  
6 the Secretary shall conduct a review of, and approve  
7 or disapprove, the terrorism security program of  
8 each pipeline operator. The Secretary shall prescribe  
9 procedures for the review and standards for the ap-  
10 proval of such programs.

11 “(b) TECHNICAL ASSISTANCE.—The Secretary may  
12 provide technical assistance to an operator of a pipeline  
13 facility, or to State, tribal, or local officials, to prevent  
14 or respond to acts of terrorism that may affect the pipeline  
15 facility. Such technical assistance may include at a  
16 minimum—

17 “(1) actions by the Secretary that support the  
18 use of National Guard or State or Federal personnel  
19 to provide additional security for a pipeline facility  
20 at risk of terrorist attack or in response to such an  
21 attack;

22 “(2) use of resources available to the Secretary  
23 to develop and implement security measures for a  
24 pipeline facility;

1           “(3) identification of security issues with re-  
2           spect to the operation of a pipeline facility; and

3           “(4) the provision of information and guidance  
4           on security practices that prevent damage to pipeline  
5           facilities from terrorist attacks.”.

6           (b) CONFORMING AMENDMENT.—The analysis for  
7 chapter 601 is amended by adding at the end the fol-  
8 lowing:

“60131. Security of pipeline facilities.”.

9   **SEC. 12. NATIONAL PIPELINE MAPPING SYSTEM.**

10          (a) IN GENERAL.—Chapter 601 is further amended  
11 by adding at the end the following:

12   **“§ 60132. National pipeline mapping system**

13          “(a) INFORMATION TO BE PROVIDED.—Not later  
14 than 6 months after the date of enactment of this section,  
15 the operator of a pipeline facility shall provide to the Sec-  
16 retary of Transportation the following information with  
17 respect to the facility:

18               “(1) Geospatial data appropriate for use in the  
19               National Pipeline Mapping System or data in a for-  
20               mat that can be readily converted to geospatial data.

21               “(2) The name and address of the person with  
22               primary operational control to be identified as its op-  
23               erator for purposes of this chapter.

1           “(3) A means for a member of the public to  
2           contact the operator for additional information  
3           about the pipeline facilities it operates.

4           “(b) UPDATES.—A person providing information  
5           under subsection (a) shall provide to the Secretary up-  
6           dates of the information to reflect changes in the pipeline  
7           facility owned or operated by the person and as otherwise  
8           required by the Secretary.

9           “(c) TECHNICAL ASSISTANCE TO IMPROVE LOCAL  
10          RESPONSE CAPABILITIES.—The Secretary may provide  
11          technical assistance to State and local officials to improve  
12          local response capabilities for pipeline emergencies by  
13          adapting information available through the National Pipe-  
14          line Mapping System to software used by emergency re-  
15          sponse personnel responding to pipeline emergencies.”.

16          (b) CONFORMING AMENDMENT.—The analysis for  
17          chapter 601 is amended by adding at the end the fol-  
18          lowing:

          “60132. National pipeline mapping system.”.

19       **SEC. 13. COORDINATION OF ENVIRONMENTAL REVIEWS.**

20          (a) IN GENERAL.—Chapter 601 is further amended  
21          by adding at the end the following:

22       **“§ 60133. Coordination of environmental reviews**

23          “(a) ENVIRONMENTAL REVIEW PROCESS.—The Sec-  
24          retary of Transportation shall develop and implement a



1 coordinated environmental review process for pipeline re-  
2 pair and rehabilitation projects.

3 “(b) CONCURRENT REVIEWS.—The coordinated envi-  
4 ronmental review process shall ensure that all environ-  
5 mental reviews, analyses, opinions, permits, licenses, and  
6 approvals that must be issued or made by a Federal agen-  
7 cy for a pipeline repair or rehabilitation project will be  
8 conducted concurrently and completed within a time pe-  
9 riod established by the Secretary.

10 “(c) MEMORANDUM OF UNDERSTANDING.—The co-  
11 ordinated environmental review process may be incor-  
12 porated into a memorandum of understanding between the  
13 Secretary and other Federal or State agencies.

14 “(d) PARTICIPATION IN ENVIRONMENTAL RE-  
15 VIEWS.—The Secretary, as appropriate, may provide com-  
16 ments and technical assistance to a State, local, or other  
17 governmental entity conducting an environmental review  
18 of a pipeline repair or rehabilitation project.

19 “(e) IDENTIFICATION OF JURISDICTIONAL AGEN-  
20 CIES.—

21 “(1) IN GENERAL.—With respect to each pipe-  
22 line repair or rehabilitation project, the Secretary  
23 shall identify, as soon as practicable, all Federal and  
24 State agencies that may have jurisdiction over envi-  
25 ronmental-related matters that may be affected by

1 the project or may be required by law to conduct an  
2 environmental-related review or analysis of the  
3 project or determine whether to issue a permit, li-  
4 cense, or approval or render an opinion on the envi-  
5 ronmental impact of the project.

6 “(2) LIST OF AGENCIES.—Upon request, the  
7 Secretary shall provide to the operator of a pipeline  
8 facility a list of the Federal and State agencies iden-  
9 tified by the Secretary under paragraph (1) for a  
10 pipeline repair or rehabilitation project to be con-  
11 ducted for the facility.

12 “(f) TERMINATION OF JURISDICTION.—If the Sec-  
13 retary determines that a Federal agency has not met a  
14 deadline established under subsection (b) for a project, the  
15 Secretary may, after notice and consultation with the  
16 agency, terminate the jurisdiction of the agency with re-  
17 spect to the project.

18 “(g) STATE AUTHORITY.—If a coordinated review  
19 process is being implemented under this section by the  
20 Secretary with respect to a project on a pipeline facility  
21 within the boundaries of a State, the State may choose  
22 to participate in such process. A State participating in  
23 such process shall require all State agencies that have ju-  
24 risdiction over environmental-related matters that may be  
25 affected by the project, or may be required by law to con-

duct an environmental-related review or analysis of the project or determine whether to issue a permit, license, or approval or render an opinion on the environmental impact of the project, to be subject to the process.

“(h) PURPOSE AND NEED.—For any environmental review, analysis, opinion, permit, license, or approval that must be issued or made by a Federal or State agency for a pipeline repair and rehabilitation project and that requires an analysis of purpose and need for the project, the agency shall be bound by the project purpose and need as defined by the Secretary.”.

(b) CONFORMING AMENDMENT.—The analysis for chapter 601 is amended by adding at the end the following:

“60133. Coordination of environmental reviews.”.

**SEC. 14. PIPELINE SECURITY-SENSITIVE INFORMATION.**

Section 60117(d) is amended—

(1) by striking “Information” and inserting the following:

“(1) IN GENERAL.—Information”;

(2) by moving the remainder of the text of paragraph (1) (as so designated) 2 ems to the right; and

(3) adding at the end the following:

“(2) INFORMATION REVEALING VULNERABILITIES.—

1           “(A) IN GENERAL.—If the Secretary deter-  
2 mines that particular information obtained by  
3 the Secretary or an officer, employee, or agent  
4 in carrying out this chapter may reveal a sys-  
5 temic vulnerability of a pipeline system, or a  
6 vulnerability of pipeline facilities to attack, the  
7 information shall be withheld from public dis-  
8 closure.

9           “(B) DISCLOSURE TO CERTAIN PER-  
10 SONS.—Information withheld from public dis-  
11 closure under subparagraph (A) may be dis-  
12 closed only—

13               “(i) to an officer, employee, or agent  
14 of a Federal, State, tribal, or local govern-  
15 ment, including a volunteer fire depart-  
16 ment, concerned with carrying out this  
17 chapter, with protecting the facilities, with  
18 protecting public safety, or with national  
19 security issues;

20               “(ii) in an administrative or judicial  
21 proceeding brought under this chapter or  
22 one that addresses terrorist actions or  
23 threats of such actions; and

1 “(iii) to such other persons as the  
 2 Secretary determines necessary to protect  
 3 public safety and security.

4 “(C) DISCLOSURE DETERMINATIONS.—  
 5 The Secretary, by regulation, may make a de-  
 6 termination regarding disclosure under sub-  
 7 paragraph (A) with respect to a category of in-  
 8 formation or a class of persons.

9 “(D) RELATIONSHIP TO TITLE 5.—A re-  
 10 lease of information withheld from public disclo-  
 11 sure under subparagraph (A) to persons identi-  
 12 fied in subparagraph (B) is not a release to the  
 13 public within the meaning of section 552 of title  
 14 5.”.

## 15 **SEC. 15. TECHNICAL AMENDMENTS.**

16 Chapter 601 is amended—

17 (1) in section 60102(a)—

18 (A) by striking “(a)(1)” and all that fol-  
 19 lows through “The Secretary of Transpor-  
 20 tation” and inserting the following:

21 “(a) MINIMUM SAFETY STANDARDS.—

22 “(1) IN GENERAL.—The Secretary of Transpor-  
 23 tation”;

24 (B) by moving the remainder of the text of  
 25 paragraph (1), including subparagraphs (A)

1 and (B) but excluding subparagraph (C), 2 ems  
 2 to the right; and

3 (C) in paragraph (2) by inserting “QUALI-  
 4 FICATIONS OF PIPELINE OPERATORS.—” before  
 5 “The qualifications”;

6 (2) in section 60110(b) by striking “cir-  
 7 cumstances” and all that follows through “operator”  
 8 and inserting the following: “circumstances, if any,  
 9 under which an operator”;

10 (3) in section 60114 by redesignating sub-  
 11 section (d) as subsection (c);

12 (4) in section 60122(a) by striking “section  
 13 60114(c)” and inserting “section 60114(b)”; and

14 (5) in section 60123(a) by striking “60114(c)”  
 15 and inserting “60114(b)”.

16 **SEC. 16. AUTHORIZATION OF APPROPRIATIONS.**

17 (a) GAS AND HAZARDOUS LIQUID.—Section  
 18 60125(a) is amended to read as follows:

19 “(a) GAS AND HAZARDOUS LIQUID.—To carry out  
 20 this chapter (except for sections 60107 and 60129) related  
 21 to gas and hazardous liquid, the following amounts are  
 22 authorized to be appropriated to the Department of  
 23 Transportation:

24 “(1) \$35,500,000 for fiscal year 2002, of which  
 25 \$29,500,000 is to be derived from user fees for fis-

1 cal year 2002 collected under section 60301 of this  
2 title.

3 “(2) \$37,900,000 for fiscal year 2003, of which  
4 \$31,900,000 is to be derived from user fees for fis-  
5 cal year 2003 collected under section 60301 of this  
6 title.

7 “(3) \$41,700,000 for fiscal year 2004, of which  
8 \$35,700,000 is to be derived from user fees for fis-  
9 cal year 2004 collected under section 60301 of this  
10 title.

11 “(4) \$47,100,000 for fiscal year 2005, of which  
12 \$41,100,000 is to be derived from user fees for fis-  
13 cal year 2005 collected under section 60301 of this  
14 title.”.

15 (b) STATE GRANTS.—Section 60125 is amended—

16 (1) by striking subsections (b), (d), and (f) and  
17 redesignating subsections (c) and (e) as subsections  
18 (b) and (d), respectively; and

19 (2) in subsection (b)(1) (as so redesignated) by  
20 striking subparagraphs (A) through (H) and insert-  
21 ing the following:

22 “(A) \$18,500,000 for fiscal year 2002, of which  
23 \$13,500,000 is to be derived from user fees for fis-  
24 cal year 2002 collected under section 60301 of this  
25 title.

1           “(B) \$19,800,000 for fiscal year 2003, of which  
2       \$14,800,000 is to be derived from user fees for fis-  
3       cal year 2003 collected under section 60301 of this  
4       title.

5           “(C) \$21,700,000 for fiscal year 2004, of which  
6       \$16,700,000 is to be derived from user fees for fis-  
7       cal year 2004 collected under section 60301 of this  
8       title.

9           “(D) \$24,600,000 for fiscal year 2005, of which  
10      \$19,600,000 is to be derived from user fees for fis-  
11      cal year 2005 collected under section 60301 of this  
12      title.”.

13       (c) RESEARCH.—Section 60125 is amended by in-  
14      serting after subsection (b) (as redesignated by subsection  
15      (b)(1) of this section) the following:

16       “(c) PIPELINE INTEGRITY RESEARCH, DEVELOP-  
17      MENT, AND DEMONSTRATION.—In addition to amounts  
18      authorized under subsections (a) and (b), not more than  
19      \$3,000,000 for each of fiscal years 2002 through 2005  
20      may be appropriated to the Secretary to carry out section  
21      60129.”.

22       (d) CONFORMING AMENDMENT.—Section 60125(d)  
23      (as redesignated by subsection (b)(1) of this section) is  
24      amended by striking “or (b) of this section”.

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